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BILL NO. G-77-09-08

GENERAL ORDINANCE NO. G- 38-77

AN ORDINANCE amending certain Sections of the Code of the City of Fort Wayne, Indiana of 1974.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following sections of The Code of the City of Fort Wayne, Indiana of 1974 be and the same are hereby amended to read as follows:

Section 7-136 Defined. The term "transient merchant" within the meaning of this division, shall mean any person engaging in buying or selling, at retail or wholesale, goods, wares, coins, precious metals or merchandise in the city, or any and all persons, both principals and agents, who engage or conduct any business in the city, either in one locality or in traveling from place to place, for the purpose of buying or selling goods, wares, coins, precious metals and merchandise for a period of one hundred twenty consecutive days, or less, and who for the purpose of carrying on such business, shall have use of or occupy any building, vehicle, railway car, booth, store, shop, vacantlot, or parking lot, tent, room in a hotel, rooming house or boarding house, structure or other place for the buying exhibition or sale of such merchandise. The term "transient merchant" shall not be construed to apply to any person buying or selling goods, wares, coins, precious metals, or merchandise of any description raised, produced or manufactured by the individual offering the same for sale as hereinafter provided, nor to persons handling vegetables, fruits or perishabe farm products by an established merchant, refreshment stands, or having booths on or adjacent to the property owned or occupied by them, nor to any stand on any fair grounds, or to any peddlers or marketeers or to the bona fide sale of goods, wares, coins, precious metals and merchandise by sample or for future delivery by commercial travelers, jobbers or selling agents, or to sheriffs, constables or other public officers selling goods wares, coins,



precious metals or merchandise according to law, nor to the temporary sale of goods, coins, precious metals, wares or merchandise where the proceeds of such sale are to be used exclusively for religious, charitable and benevolent purposes.

Section 7-137. Persons presumed to be transient merchants. Every person engaging in a buying or a retail or wholesale sale of goods, wares, coins, precious metals or merchandise in the city in locations and places described in section 7-136 shall be presumed to be a transient merchant, and his place of business shall be presumed to be a temporary store or place of business. This presumption, however, may be overcome by furnishing proof satisfactory to the controller of the city that such person is not a transient merchant within the meaning of this division.

SECTION 2. This Ordinance shall remain in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian J. Selmiat

, Read the fi	irst time in full and	on motion by	W. Re	truit, seco	nded by
	Jungand duly a	dopted, read	the second time	by title and re	ferred to the
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Bill No.	G-77-09-08						
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Council 1	that said Ordin	ance	PAS	ss.	- 11		
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-		DATE 10-11-7	7 CONCURR	ED IN	(

CHARLES W. WESTERSTAN, CITY CLERK



Subject

City Clerk Memorandum CHARLES W. WESTERMAN, Clark

Date 9-21-77 Mayor Robert E. Armstrong Charles W. Westerman - City Clerk From Appearance Defore Common Council ~ 9~27~77 ~ 7:00 P.M.

COPIES TO:

BILL NO. G-77-09-08

AN ORDINANCE amending certain Sections of the Code of the City of Fort Wayne, Indiana of 1974

Pursuant to the request of the Standing Committee Chairman of Regulations of the Common Council, the presence of Kenneth E. Buckmaster - Police Chief or someone familiar with the above ordinance is respectfully requested on September 27, 1977, at 7:00 P.M., Room 128, Common Counct Conference Room.

Further information is requested regarding what control the City of Fort Wayne will have over "transfent merchants" entering the city to sell their goods.

Your cooperation will be greatly appreciated.

Aona alicia Terriño 9/31/19



City Clerk Memorandum CHARLES W. WESTERMAN, Clerk

To____Mayor Robert E. Armstrong Date 9-28-77

From__ Charles W. Westerman - City Clerk

Subject Appearance before Common Council 10-4-77 -- 7:30 P.M.

COPIES TO:

BILL NO. G-77-09-08

AN ORDINANCE amending certain Sections of the Code of the City of Fort Wayne, Indiana of 1974

At the Committee Session of September 27, 1977, questions put forth by the Common Council needs more clarity and understanding than they received from the City Attorney.

Therefore, the Committee Chairman of Regulations, is again respectfully requesting the presence of Kenneth E. Buckmaster - Police Chief or someone from the Police Department familiar with the above ordinance to appear before Common Council on October 4,1977, at 7:30 P.M., Room 128, Common Council Conference Room.

Your cooperation will be greatly appreciated.



J-77-08-08

Or Police

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or merchandise within the City by regulating such persons who are defined as "transient merchants" to purchase a license and this gives notice to the City of their existence with the city limits. The now existing ordinance does not regulate the transient buyer of goods, wares or merchandise.

The ordinance, if amended as requested, would re-define "transient merchant by include both the <u>buyer</u> and <u>seller</u> of wholesale goods, wares, coins and <u>wiscous metals</u>. The existing ordinance defines transient merchant as one who and is engaged in business for 120 days or less.

The sold to this type of merchant.

m How PASSAGE Ineffective policing of transient buyers of coins and precious

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THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING . ONE MAIN STREET . FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

October 14, 1977

Ms. Virginia Grace Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 18 and October 25, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

> Bill No. Z-77-05-10 Zoning Map Ord. Z-24-77

Bill No. Z-77-08-13 Zoning Map Ord, Z-25-77

Bill No. Z-77-08-14 Zoning Map Ord. Z-26-77

Bill No. Z-77-08-16 (without attached covenants) Zoning Map Ord. Z-27-77

Bill No. Z-77-08-17 Zoning Map Ord. Z-28-77

Bill No. Z-77-08-33 Zoning Map Ord, Z-29-77

Bill No. G-77-09-08 General Ord, G-38-77

Please send us five (5) copies of the Publisher's Affidayit from both newspapers.

Charles W. Westerman

City Clerk

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PUBLISHER'S CLAI		Notice is hereby given that on the
	2	Notice is hereby given that on the h day of October, 1977, the Com- on Council of the City of Fort syne, Indians, in a Regular Session pass the tollowing BILL NO. G-77- 08, G-38-77 General Ordinance, to
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		Nays: None Date: 10-11-77 Charles W. Westerman, City Clerk
in the English language in the c	TACH COPY OF RTISEMENT HERE	Ayes, Nine: Burns, Hinga, Hunter, sees. Nuckois, D. Schmidt, V. Immidt, Stier, Talarico Vays: None Date: 10-11-77 Charies W. Westerman, City Cierk Passed and adopted by the Comon Council of the City of Fortingon, Indiana, as General Ordince No. G-38-77 on the 11th day of fotober, 1977.
		nce No. G-38-77 on the 11th day of tober, 1977.
as follows:		Charles W. Westerman, City Clerk
		Presented by me to the Mayor of City of Fort Wayne, Indiana, on
		ur of 12:30 o'clock, P.M., E.S.T. Charles W. Westerman, City Clerk
		Approved and signed by me this th day of October, 1977, at the hour
Subscribed and sworn to before		including a company of the lith day of the lit
		e City of Fort Wayne, Indiana, do reby certify that the above and
My commission expires		regoing is a full, true and complete py of General Ordinance No. G-38- passed by the Common Council on 11th day of October, 1977, and st said Ordinance was duly signed d approved by the Mayor on the th day of October, 1977 and now re- ains on file and on record in my of-
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